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09/412,013	10/04/1999	Jonas Lowell Steinman	10153-003	9120
8791 7590 07/19/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER ALVAREZ, RAQUEL	
			ART UNIT 3622	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/412,013
Filing Date: October 04, 1999
Appellant(s): STEINMAN ET AL.

MAILED

JUL 19 2007

GROUP 3600

Jennifer Hayes
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/10/07 appealing from the Office action mailed 12/14/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 2-16, 19-34, 36-51 and 71-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over article by Marc Gunther titled "The trouble with advertising" hereinafter Gunther in view of Eggleston et al. (6,061,600 hereinafter Eggleston).

With respect to claims 16, 33, 36, 50, 71, 74, 76, 79, 81-85, Gunther teaches a sweepstake system (page 1, paragraph IV). A host system computer system hosting a webpage, wherein the webpage includes a plurality of links and each of the plurality of links has an associated point value associated with the one of the plurality of hyperlinks(i.e. An avid sports fan or anyone with nothing better to do can click on enough links to earn points)(page 1, paragraph IV).

With respect to the feature of at least two hyperlinks of the plurality of hyperlinks having different associated values. Gunther teaches getting points for clicking on links/hyperlinks. Gunther is silent as to the links having different or the same values associated with them and since Gunther also teaches the links are from different advertisers that gives incentives and compete for viewers (page 1, paragraphs IV, V and page 3) then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included associating different point values to the different advertisers links because such a modification allow different advertisers to

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offer a higher point value to users who click on the links to their websites and therefore increase their traffic flow.

With respect to the host computer system awards at least one point to a user as a result of the user clicking on the one of the plurality of hyperlinks and wherein the user is given a number of at least one entry in a sweepstakes based on a predetermined number of points the user has been awarded for clicking on the one of the plurality of hyperlinks. Gunther teaches the users being awarded points as a result of clicking on hyperlinks and the users can redeem their points for various products or services (page 1). Gunther teaches automatic sweepstakes entry for the users who visit the site (page 1). Gunther does not specifically teach that one of the product or service that the user can redeem the points for is to enter a sweepstake. Eggleston, teaches on col. 30, lines 47 to col. 31, line 1, that based on a predetermined amount of loyalty points, the users will be eligible to enter a sweepstake. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the teachings of Eggleston of using the points to enter a sweepstake in order to produce excitement.

With respect to the newly added feature of having a look-up table for storing the point values of the hyperlinks. Gunther teaches granting points as a result of clicking on hyperlinks. The hyperlinks being for different advertisers (page 1). Gunther doesn't specifically teach having a look-up table to store the values of the hyperlinks. Official notice is taken that it is old and well known to use look up tables for looking up and matching information. It would have been obvious to a person of ordinary skill in the art

at the time of Applicant's invention to have included in the system of Gunther a look-up table to store the values of the hyperlinks in order to make it easy to store and retrieve the values.

Claims 2 and 19 further recite that the maximum number of points that the user can accumulate in one day is fixed. Official notice is taken that it is old and well known to control the number of points or awards a user can accumulate on a given day in order to provide a fair system. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the maximum number of points that the user can accumulate in one day to be fixed in order to obtain the above mentioned advantage.

Claims 3, 13, 20, 30, 37, 38, 47, further recite storing registration information pertaining to the user, such as point information relating to the user and using a transient cookie having a last location information to detect fraud. Official notice is taken that it is old and well known to store information in a database and to use cookie having location information in order to identify visitors/users and therefore detect fraud. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included storing registration information pertaining to the user, such as point information relating to the user and using a transient cookie having a last location information in order to obtain the above mentioned advantage.

Claims 4-7, 9-12, 14-15, 21-24, 26-29, 31-32, 39-46, 48-49, 51, 72, 73, 75, 77-78 and 80 are different implementation choices that can be implemented without major changes to the system. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included implementing the system as recited by claims 4-7, 9-12, 14-15, 21-24, 26-29, 31-32, 38-46, 48-49, 51, 55-56, 64-66, 68-69 as designer's choices.

Claim 34 is similar in scope as claims 16, 33 rejected above and therefore rejected under similar rationale.

With respect to claims 8 and 25, Gunther do not specifically teach that one of the services is e-mail. E-mail is a common service offered in the on-line world. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included e-mail as one of the services offered.

(10) Response to Argument

Appellant argues that Gunther doesn't teach hyperlinks to services and webpages in the website in order to encourage users to stay at the site. The Examiner wants to point out that Gunther clearly teaches on paragraph IV, "An avid sports fan (or anyone with nothing better to do) who visits frequently and **clicks on enough pages can exchange points for t-shirts, movie, passes, \$5 and \$10 restaurant certificates, hockey pucks, and baseballs, along with automatic entries in a \$1**

million sweepstakes” So contrary to Appellant’s arguments, Gunther clearly teaches from the passage above, encouraging the users to stay at the site by granting points for **clicking on enough pages** on the website, it seems from the passage above that the user doesn’t leave the website but views **on enough pages** on the website to receive points that can be exchanged for **t-shirts, movie, passes, \$5 and \$10 restaurant certificates, hockey pucks, and baseballs, along with automatic entries in a \$1 million sweepstakes.**

Appellant argues that Gunther doesn’t teach storing different point values in a look-up table. Gunther teaches granting points for viewing pages on a website those points can be redeemed for merchandise or entry on a sweepstake so therefore in the system of Gunther storing and matching the various points values earned by clicking on the various pages within the website makes sense in order to enabled the system to determine the points earned in association with the pages clicked on.

Appellant argues that the combination of Gunther and Eggleston do not teach exchanging points earned from selecting links within a webpage for a sweepstake entry. The Examiner disagrees with Appellant because Gunther teaches the users being awarded points as a result of clicking on hyperlinks within the website and the users can redeem their points for various products or services (page 1) in addition Gunther teaches **automatic sweepstakes entry for the users who visit the site** (page 1). Gunther does not specifically teach sweepstakes entry dependant on the points earned. On the other hand, Eggleston teaches on col. 30, lines 47 to col. 31, line 1, that based on a predetermined amount of loyalty points, the users will be eligible to enter a

sweepstake. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the teachings of Eggleston of using the points to enter a sweepstake in order to encourage the users to accumulate and click on enough points in order to earn enough points that will allow entry to the sweepstake.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

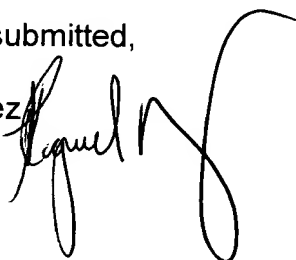
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Raquel Alvarez



Conferees:

Eric Stamber



Yehdega Retta

